Supreme Court, U. S.
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IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1978

NO. 78-1921

MAUREEN KELLY LECHT
Petitioner

vs.

CHARLES PHILIP LECHT
Respondent

and vs.

LEVINSON ET AL
Respondents

MOTION FOR LEAVE TO FILE AND PETITION FOR A WRIT OF HABEAS CORPUS

PURSUANT TO FINAL JUDGMENT FROM
THE SUPREME COURT OF CONNECTICUT
IN CONCURRENT JURISDICTION WITH
U.S. DISTRICT COURT AT BRIDGEPORT

Pro Se Petitioner
P.O. Box 4154
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IN THE
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October Term, 1978

NO.

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MOTION FOR LEAVE TO FILE FOR A WRIT OF HABEAS CORPUS

Pro Se Petitioner
P.C. Box 4154
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06830

This is a motion drawn pursuant to Rule 31 of the Rules of Appellate Procedures of the Supreme Court of the United States, whereupon the petitioner seeks permission to file the enclosed petition in support of the jurisdiction of the Court for a writ of habeas corpus authorized by Title 28, United States Code 2241, in order that she may be released from a condition of involuntary servitude by the intervention of the Court.

The petitioner seeks this extraordinary relief because she has been subjected to orders of the lower court that have continued her in bondage to marriage while causing her to be dismissed and dispossessed of her residence and from custody of her minor child. The petitioner, who is a defendant in the marital litigation innocent of any wrongdoing has been defeated by a powerful coalition of vested interests that have denied her her civil rights not to be held in bondage and to be accorded the equal protection of law and due process accorded to male citizens.

For the foregoing reasons, and relying upon Ex parte Turner, C.C. Ala. 1879, 3 Woods 603, 24 Fed. Cas. No. 14, 246, the petitioner prays that this Court will intervene.

Respectfully submitted,

June 18, 1979

MAUREEN KELLY LECHT

State Opinions

I, Petition for direct relief as denied in this action on March 20, 1979.

II. Show-cause order of the State lower court, entered on April 20, 1979.

III. Notification by the State lower court, dated April 17, 1979.

IV. Writ of possession, signed by the State court on April 17, 1979.

V. Order of the State court, accompanied by memorandum decision, entered on January 11, 1979.

VI. Order of the State court, entered on June 15, 1976.

VII. Motion and order to show cause, entered by the State court on June 9, 1976.

Federal Opinions

VIII. Order of the federal district court, entered with notation on May 11, 1979.

IX. Order of the federal district court, accompanied by memorandum decision, entered on April 5, 1979.

X. Judgment by the federal district court, accompanied by memorandum decision, entered on July 21, 1978.

Other Legal Documents

XI. Notification to the Town of Greenwich, served May 29, 1978.

XII. Letter from the Town Attorney to the State court, dated February 16, 1979

This is a petition for an extraordinary writ of habeas corpus pursuant to Title 28, United States Code, Section 2241, for relief from this Court from conditions of involuntary servitude imposed upon the petitioner by orders of the State lower court, which were entered without judgment of separation or dissolution and without judicial decision upon substantive issues.

It is also a petition on the issue of whether or not "mental illness" as it is defined by the American Psychiatric Association and as it is nominally controlling against conspiracy-to-commit prohibited by Title 17, Section 184, of the Connecticut General Statutes, can survive the constitutional test for vagueness and overbroadness sought by the appellant, who escaped an attempt to have her committed involuntarily on June 15, 1976, entered upon the State court by the respondents.

It is also a petition for summary declaratory judgment against Article Fifth, Section 6, of the Constitution of the State of Connecticut, the language of which as amended in 1974 is asserted to be inherently contradictory by de jure and de facto definition of the powers of state referee acting as if a sui generis tribunal.

Appeal is taken from denial by the Supreme Court of the State of Connecticut, entered in the marital litigation on March 20, 1979, of a petition for direct relief from the Chief Justice.

Under concurrent jurisdiction pursuant to Title 28, United States Code,

Section 1343(3)(4), appeal is also taken from judgment of the United States District Court, entered in this action on May 11, 1979, within which is subsumed previous judgments entered on April 5, 1979, and on October 5, 1978 upon independant Rule 60(b) motions and judgment upon motions to dismiss entered on July 21, 1978.

The petitioner submits this jurisdictional statement to show that the Supreme Court of the United States has jurisdiction and that substantial federal questions are presented.

In the event that the Court does not consider this petition for the extraordinary relief of habeas corpus the proper mdde of review, the petitioner requests that the papers whereupon this appeal is taken be regarded and acted upon as an appeal pursuant to Title 28, United States Code, Section 1257(2), this being an appeal which draws into question the validity of Title 17 of the Connecticut General Statutes insofar as the sections on mental health purport to effect involuntary hospitalization by psychiatric report.

It also draws into question the validity of Article Fifth, Section 6, of the Constitution of the States of Connecticut as indicated supra and as operating against the petitioner in this case and in Monroe v. Monroe, currently seeking appeal status within this court from decision of the Connecticut Supreme Court.

EMERGENCY STATUS

The petitioner was summarily evicted from her residence on April 26, 1979. The eviction accomplished the will and intent

of conspiracy-to-commit entered within the State marital court by the respondents on June 15, 1976, which intent was to have the petitioner "forcibly" removed from her residence and from custody of her minor children. The eviction was accomplished on April 25, 1979, by sheriff's action that preempted a duly constituted show-cause hearing scheduled by the State lower court for April 26, 1979, which eviction established a pattern of harrassment and procedural abuse that has culminated in arrant lawlessness.

The petitioner contends that denial by the Chief Justice of the Connecticut Supreme Court of her petition for direct relief (App.-I) has continued her in a condition of involuntary servitude in violation of her right as an innocent defendant wife and mother not to have been so dismissed and dispossessed.

Additionally, the petitioner has been denied subject-matter jurisdiction over civil rights deprivation under 42 U.S. 1983; under Article Fifth of the Connecticut Constitution; and over violation of State criminal statute Title 17, Section 184, incurred by the respondents. She has been left without a court in significant violation of her marital status and in violation of the Thirteenth Amendment.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED IN PETITION FOR HABEAS CORPUS

This case involves the Thirteenth

Amendment of the United States Constitution.

It also involves Article V of the Connecticut constitutional amendments adopted in 1974, which reads as follows:

> Section 20 of article first of the constitution is amended to read as follows: No person shall be denied the equal protection of the law nor be subjected to segregation or discrimination in the exercise or enjoyment of his or her civil or political rights because of religion, race, color, ancestry, national origin or sex.

It also involves Title 28, United States Code, Sections 1343(3)(4) which provide:

> The district courts shall have original jurisdiction of any civil action authorized by law to be commenced by any person:
>
> (3) to redress the deprivation, under color of any State law, statute, ordinance, regulation, custom or usage, of any right, privilege or immunity secured by the Constitution of the United States or by any Act of Congress providing for equal rights of citizens or of all persons within the jurisdictionoof the United States;
>
> (4) to recover damages or to secure equitable or other relief under any Act of Congress providing for the protection of civil rights, including the right to vote.

It also involves Title 17, Section 184, of the Connecticut General Statutes, which reads as follows:

> Penalty for conspiring to commit any person to a hospital for mental illness. Any person who willfully causes, or attempts to cause, or who conspires with any person to cause, any person who is not mentally ill to be com-mitted to any hospital for mental illness, and any person who willfully certifies falsely to the mental illness of any person in any certificate provided for in this chapter relating to mentally ill persons, willfully reports falsely to any court or judge that any person is mentally ill, shall be fined not more than one thousand dollars or imprisoned not more than five years or both.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED ON FULL APPEAL

This case involves the First, Fourth, Fifth, Thirteenth and Fourteenth Amendments of the United States Constitution.

In addition to the provisions enumerated and quoted supra, it involves the following:

Article VIII, Section 2, of the Connecticut constitutional amendments adopted in 1974, which reads:

Section 6 of (said) article fifth is amended to read as follows: No judge shall be eligible to hold his office after he shall arrive at the age of seventy years, except that a chief justice or judge of the supreme court, a judge of the superior court, or a judge of the court of common pleas, who has attained the age of seventy years and has become a state referee may exercise, as shall be prescribed by law, the powers of the superior court or court of common pleas on matters referred to him as a state referee. 7

It also involves Title 20, United States Code, Section 1232g, which reads:

(2) No funds shall be made available under any applicable program to any educational institution which has a policy or practice of releasing, or providing access to, and personally identifiable information in education records other than directory information, or as is permitted under paragraph (1) of this subsection unless--

(A) there is written consent from the student's parents specifying records to be released, the reasons for such release, and to whom, and with a copy of the records to be released to the student's parents and the student if desired by the parents, or

(B) such information is furnished in compliance with judicial order, or pursuant to any lawfully issued subpoena, upon condition that parents and the students are notified of all such orders or subpoenas in advance of the compliance therewith by the educational institution or agency. 8

(4)(B) With respect to this subsection, personal information shall only be transferred to a third party on the condition that such party will not permit any other party to have access to such information without the written consent of the student.

It also involves Title 10, Section 154a, of the Connecticut General Statutes, as amended by Public Act 78-208, Section 29, Subsection (a)(4), which defines "professional communication" as:

Any communication made privately and in confidence by a student to a professional employee of his school in the course of the latter's employment.

It also involves Title 51, Section 338, of the Connecticut General Statutes, which reads:

Whenever, in any family relations session, an investigation has been ordered, the case shall not be disposed of until the report has been filed as hereinafter provided, and counsel have had a reasonable opportunity to examine it prior to

the time the case is to be heard. Any report of an investigation shall be made in duplicate and shall be filed with the clerk.

ADDITIONAL GROUNDS FOR JURISDICTION

During the course of custody hearings generated by the court in affirmative response to the husband-respondent's motion for modification in July of 1978, which hearings were held in December of 1978, the court disallowed testimony by the petitioner on issues surrounding the June 15, 1976, conspiracy-to-commit that were substantive to the jurisdictional blight incurred at the inception of marital litigation and the "verbally enunciate" judgment said by the court to be "in dispute. (App. V-1,2). The court also reworded the title of the motion for modification to read "for exclusive custody," in avoidance of the issue. (App. V-1).

Barring testimony ontthe substance of the conspiracy-to-commit to be argued herein, the court nevertheless proceeded to permit "correspondence submitted in evidence (by the plaintiff)...of the defendant's intention to begin suit for conspiracy against the Town of Greenwich," (App. V-5), to be exhibited as against the custodial rights of the petitioner. The court was warned that to proceed in this manner would join federal claims at the state level. Notification to the Town of Greenwich as exhibited in the State court is exhibited herein (App. XIII) as evidence of concurrent State and Federal jurisdiction pursuant to 28 U.S.C. 1343(3)(4). The petitioner says that entry

of this correspondence by the Court was an abridgment of her Fourth Amendment right to petition her government for redress as evidenced by the court's conclusion:

> While the court is not convinced by any means that the defendant, under less abnormal circumstances, would not be the more appropriate custodial parent, yet until some degree of resolution has been achieved between these parties and until the defendant has resolved the other suits which she has commenced or contemplates commenced, there can only be an adverse impact on Jonathan's situation. (App. V-7)
>
> The plaintiff is prepared to reside with Jonathan at the marital residence. It will be necessary that the defendant vacate the premises, but she should be allowed a reasonable time to make such move and that period should be no later than February 28, 1979, subject to modification by the court. (App. V-7)

The court making that decision failed to take cognizance of the fact that it had refused to render decisions necessary to the survival of the petitioner regarding separation, dissolution, alimony, child support, property, residence and other matters over a period of nine months. The petitioner contends that the court collaborated by this decision with the will and intent of conspiracy.

The court has sealed the contents of its custody investigation. Yet, within the exhibits entered is evidence that the Town of Greenwich, through the principal of Western Junior High School, violated Title 20, United States Code, Section 1232g.

When attorney-respondent Bruce Cohen requested by mail a copy of the minor child's school record, the principal xeroxed eighty pages, comprising the entire school record, and mailed it to attorney Cohen, acting in behalf of the husband-respondent. Pursuant to the above action, notes from the minor child to his teachers were illegally and unlawfully transmitted from the school to attorney Cohen and selectively entered into the family relations officer's file with his consent and, therefore, complicity. The petitioner has pleaded violation of Title 10, Section 154a of the Connecticut General Statutes, as amended by Public Act 78-208, Section 29, Subsection (a)(4), which defines "professional communication" deemed privileged as:

> "any communication made privately and in confidence by a student to a professional employee of his school in the course of the latter's employment."

The notes referred to herein were elicited from the minor child pursuant to official school policy designed to promote "honest,"to wit, confessional remarks on involvement in classroom. The extra-legal activity of releasing his entire record without notification, without court subpoena, and without due regard for the minor child was in direct violation of rights sought to be protected by his mother. In doing so, she was penalized by loss of custody, ensuring that she could not act in his behalf.

The memorandum decision issued by the lower court regarding custody on January 11, 1979, is, in its entirety, unlawfully entered. Title 51, Section 338, of the Connecticut General Statutes prohibits the disposition of a family relations case until a court-ordered investigation has taken place. The order entered in the lower court on June 15, 1976, for psychiatric investigation (App. VI) has neither been implemented nor rescinded by any judge of the court, despite the petitioner's pleadings.

On page 1 of the memorandum decision (App.V-1), the courtrreworded the original matter to read:

> The court at that time condluded that no immediate action need be taken and ordered a custody study.

Testimony by the family relations officert in the custody hearings of December of 1978 revealed that he had placed the order on "the back burner."

The additional grounds for the jurisdiction are, therefore, that

the court has penalized the petitioner in protection of court officers who have failed to perform official duties.

The "well-documented" evidence referred to in federal district court ruling of April 5, 1979, (App.-IX), includes a letter sent by the town attorney of Greenwich to the judge of the court who issued the custody decision, dated February 16, 1979 (App.-X), that characterizes the petitioner as "loitering about" school grounds. This libel is in direct contrast with the tolerant court summary that:

> The plaintiff, complaining that communication with Jonathan has been foreclosed, has been using the school as a place to meet with and call by phone to his son. (App.-V-4)

Rampant violations of the petitioner's rights under 42 U.S. 1983 are obvious when combined with the principal's testimony that the husband-respondent had been permitted to have Jonathan summoned from classes. Yet, school difficulties are blithetly assumed by the court to have occurred because of the petitioner's "concern with her rights as a litigant." (App.-7).

QUESTIONS PRESENTED FOR CERTIFICATION

Can subject-matter jurisdiction over conspiracy-to-commit be dismissed

by both State marital and Federal district court without jeopardy to the rights of a defendant wife and mother to be free in her person?

Is Title 17, Section 184, of the Connecticut General Statutes constitutionally repugnant as it is controlled by and controls reports of "mental illness" defined by the American Psychiatric Association?

Is judgment rendered by state referee constitutionally defective as it derives from powers conferred by legislative enablement of Article Fifth, Section 6, of the Connecticut constitution as amended in 1974?

HOW THE FEDERAL QUESTIONS WERE RAISED IN THE COURTS BELOW

The petitioner sought to implement the statutory authority of C.G.S. 17-184 in the lower court in order to clear the jurisdictional fault incurred by conspiracy-to-commit, to free herself from marital bondage without rights assigned, in violation of the Thirteenth Amendment, and to prevent further abuse of process caused by court failure to render decision on substantive motions.

A motion for summary declaratory judgment against C.G.S. 17-184 lies moot behind federal district court denials of Rule 60(b) motions to reopen.

A motion for summary declaratory judgment against Article Fifth, Section 6, of the Connecticut Constitution as amended in 1974 lies moot behind denials of Rule 60(b) motions to reopen. It was also pleaded against judgment in the State.

In 1968 this Court observed that the dialogue developing between law and psychiatry, if frozen into a "rigid constitutional mold," could be reduced, if not eliminated altogether. In expectation of the fruitfulness and productivity of that dialogue, the court declared in Powell v. Texas, 392 U.S. 514 at 537 that:

> It is simply not yet the time to write constitutional formulas cast in terms whose meaning, let alone relevance, is not yet clear to doctors or to lawyers.

The show-cause motion and order signed by the lower Court at the State level to cause the hearing of June 15, 1976, and submitted to the federal district court as evidence of the inherent unconstitutionality of the proceedings, (App.), is replete with allegations reminiscent of a witchhunt in pursuit of the modern method of disposing of dissidents: involuntary hospitalization.

A report to Governor Hugh L. Carey on the Insanity Defense in New York, submitted by the State of New York's Acting Commissioner for the Department of Mental Hygiene on February 17, 1978, James A. Provost, M.D., concludes as follows from pages 103-104:

> There is a single place only for the psychiatrist and other mental health specialists in the courts of law. The knowledge and experience of these professions have value to the court only after the court has rendered the judgment

> that society desires--a judgment which should remain the sole responsibility of the jury and the judge. Mental health testimony has use only in assisting the court as to the most effective disposition available today to attempt restoration of the defendant eventually to society.

In view of the fact that the petitioner argued in the federal district court that the referent show-cause motion and order of June 8, 1976, was tantamount to a bench warrant issued for her arrest, the connection between the insanity defense and the issues of "mental illness" as they are presented on the civil side of the court towards "compassionate" commitment is clearly made. J. Goldstein and J. Katz have this to say in Abolish "The Insanity Defense"--Why Not?, 72 Yale Law Journal, 853, 868 (1963):

> (T)he insanity defense is not designed, as is the defense of self-defense, to define an exception to criminal liability, but rather to define for sanction an exception from among those who would be free of liability. It is as of the insanity defense were prompted by an affirmative answer to the silently posed question: "Does mens rea or any essential element of an offense exclude from liability a group of persons whom the community wishes to restrain?" If the suggested relationship between mens rea and "insanity" precludes proof beyond doubt of mens rea then the "defense" is designed to authorize the holding of persons who have committed no crime. (Emphasis supplied).

In the instant case, the petitioner, 17
upon appearing in court in full expectation of trial upon the merits in elucidation of the facts and circumstances of the fraud upon the court accomplished by conspiracy-to-commit, was barred from presenting the testimony of seven witnesses present in her defense. Nor was she permitted to take the stand in her own self-defense. When the lower court decided to remand the issues into psychiatric investigation and ordered it (App.VI), the petitioner was precluded from presenting proof beyond doubt that intolerable cruelty had been exercised against her. The jurisdictional fault incurred at the inception of the marital litigation was compounded by the withdrawal of the husband-respondent from the court order in complicity with the family relations officer, who subsequently testified that he had placed the order "on the back burner."

The petitioner's First and Fourth Amendment rights not to be threatened for things she is alleged to have said and actions she was alleged to have undertaken continue to be in jeopardy since neither the State nor the Federal district court have acknowledged subject-matter jurisdiction and proceeded into trial upon the merits. Yet, the psychiatrist-respondent Peritz Levinson herein, testified on June 15, 1976, that his reasons for appearing as a witness in behalf of the husband-respondent's motion were that: (1) the petitioner had refused medication proffered by him in a thirty-minute interview; (2) the petitioner had "politely" declined his counselling.

Voluminous evidence is pouring into social and legal channels on the repugnant effects of coercive psychiatry.

A discussion on the right to refuse 18
treatment pleaded by the petitioner in her original complaint entered in the federal district court and argued by the town attorney defending social-worker respondent Charles E. McCarroll herein to be non-existent is contained in 2 F. Harper and F. James, Jr., The Law of Torts 61 (1968 Supp.):

> The very foundation of the doctrine (of informed consent) is every man's right to forego treatment or even cure if it entails what for him are intolerable consequences or risks, however warped or perverted his sense of values may be in the eyes of the medical profession, or even of the community, so long as any distortion falls short of what the law regards as incompetency.

The State marital court on June 15, 1976, responded to mere allegations of financial incompetency by the respondents herein by deciding financial matters over luncheon recess taken by the petitioner with her aging parents. The effect was to have bludgeoned the petitioner's head while picking her pockets.

In the Santa Clara Law Review, Vol. 17, No. 1 (1977), Brent A. Barnhart, staff counsel for the American Civil Liberties Union; Michael J. Pinkerton, J.D., McGeorge School of Law; and Robert J. Roth, J.D., Yale University; have this to say:

> The concept of "mental illness" is a theoretical construct subject to

> substantial dispute. Nevertheless, the notion of mental illness has been used to justify courses of action whereby the liberty of a person so labelled is restricted and his or her mentation altered, without personal informed consent. Informed Consent to Organic Behavior Control, p. 42.

Subsumed within the question raised by the petitioner on the constitutionality of the term "mental illness," in all of its extensive ramifications and permutation of court proceedings, is whether or not courts of law in this land can continue to respond to allegations of dangerousness designed to effect psychiatric control on the civil side. The fraudulent recitation of acts of violence attributed by the respondents to the petitioner petered out in confused, conflicting and perjurious court testimony. Yet trial was foreclosed against the petitioner, permitting the fraudulent motion to remain as the topmost matter of record in the court file, an untried, unproven, severely damaging document.

The petitioner contends that few judges or lawyers understand that there is simply is no scientifically reliable or valid evidence of a clinical or statistical ability in psychiatry

to predict a particular person's future dangerous behavior and that trial on the merits is the only forum for allegations about dangerous actions said to have occurred. See, e.g., Rubin, Prediction of Dangerousness in Mentally Ill Criminals, 27 Archives of general Psychology 397 (1972); Steadman, Some Evidence on the Inadequacy of the Concept and Determination of Dangerousness in Law and Psychiatry, 1 Journal of Psychology and Law 409 (1973); J. Ziskin, Coping with Psychiatric Testimony (2 ed. 1975); Ennis and Litwack, Psychiatry and the Presumption of Expertise: Flipping Coins in the Courtroom, 62 California Law Review 693 (1974).

Considering prevailing court and legal attitudes on psychiatric cmmpetency, the State marital court might be "compassionately" understood to have responded to the felt need for psychiatric authority on issues that were ready to present for trial upon the merits on June 15, 1976. Yet, as stated by the Honorable Chief Justice within Blocker v. U.S., 288 F. 2d 835, 860 (D.C. Cir. 1961):

> (No) rule of law can possibly be soundsound or workable which is dependent upon the terms of another discipline whose members are in profound disagreement about what those terms mean...This is not simply a matter of experts disagreeing on opinions or on diagnosis, which often occurs, but disagreement at the threshold on what their own critical terms mean.

Griswold v. Connecticut, 381 U.S. 479 (1965) established a fundamental right of privacy as the constitutional basis for deciding an issue before the Court. The petitioner on June 15, 1976, asked the Court for the right to establish peace in her home by requiring the husband-respondent to leave. She was abruptly turned down. The court articulated its reasons for refusal by stating that: "He pays the bills." Three years later under the duress of conspiracy, abuse of process and deprivation of the equal protection of law guaranteed under Article V. of the Connecticut Constitution and under the Fourteenth Amendment of the United States, the petitioner has been unable to vindicate her constitutional rights. Instead, the petitioner has been summarily evicted without access to personal belongings and papers of the utmost privacy.

The husband-respondent, president of a large computer software consulting corporation, who has a published income of well over $116,000, has replaced the petitioner in her home and in her custodial rights as if in conformity with legal decision.

During 1978, the husband-respondent burglarized the residence. The police were summoned and neighborhood teenagers were queried, causing difficulty for the petitioner's minor son. It became apparent that items taken were of particular interest to the husband-respondent. It is also likely that at that time the husband-respondent took the pictures that he subsequently enetered into the family relations officer's file, with the consent and complicity of that officer, purporting to show "messy housekeeping."

The appellant has argued that discussion by this Court in Rakas and King v. State of Illinois, 47 LW 4025-4033, reported on December 5, 1978, provides guidance for interpretation of her Fourth Amendment rights, in that her de facto residence alone with her children from June of 1976 through April of 1979 supplies a legitimate expectation of privacy:

> ...the Court in Katz held that capacity to claim the protection of the Fourth Amendment depends not upon a property right in the invaded place but upon whether the person who claims the protection of the Amendment has a legitimate expectation of privacy in the invaded place. 389 U.S. at 353; see United States v. Chadwick, 433 U.S. 1, 7 (1977); United States v. White, 401 U.S. 745, 752 (1971). Viewed in this manner, the holding in Jones can best be explained by the fact that Jones had a legitimate expectation of privacy in the premises he was using and therefore could claim the protection of the Fourth Amendment with respect to a governmental invasion of those premises, even though his "interest" in those premises might not have been

a recognized property interest at common law." See Jones v. United States, 362 U.S. at 261.

The petitioner contends that the sole ownership of the residential property by the husband-respondent could not, without court resolution of marital matters, have supplied the "legitimate presence on the premises" contemplated in Rakas at 4031. The "blind adherence" to property concepts over person in this case has resulted in eviction and seizure of the petitioner's intimate belongings. From Boyd v. U.S. 616 (1886), the principles violated are explained:

> It is not the breaking of his doors, and the rummaging of his drawers that constitutes the essence of the offense; but it is the invasion of his indefeasible right of personal security, personal liberty and private property. See also McNeil v. Director, Patuxent Inst., 407 U.S. 245, 252 (1971)(Douglas, J., concurring)

No court of law can sustain the eviction action in this case. Four cars pulled into the petitioner's driveway unannounced by legal process or duly served notice of the writ of possession erroneously signed by the court (App. IV), see also postcard notice (App. III), and caused her to be dumped "off the property" by a sheriff of Fairfield County, deciding on the spot that the "agreement" was valid and the hearing date set by the Court improper.

STATEMENT OF FACTS

The petitioner insists that the taint of conspiracy against her civil rights has permeated all procedures within the State marital litigation, following upon its inception as an attempted to have her committed involuntarily. A significat circumstance, that she and her children had been resident within the State of Connecticut for only four months, is indeed conclusive of conspiracy, which relies upon fact, not allegation.

Facts surrounding conspiracy as established from (a) court transcript of June 15, 1976, submitted in evidence to the federal district court; (b) show-cause motion and order of June 8, 1976 (App. VII); and (c) recital within the petitioner's complaint on April 3, 1978, which was dismissed upon the respondent's motions to dismiss, are:

1. A fiduciary relationship with the attorney-respondents herein had been established with the petitioner, who authorized attorney-respondent Jonathan Carlisle to effect title closing on the property contemplated to be jointly owned by the petitioner and the husband-respondent. Attendant upon the closing, which was effected one week prior tothe family move from New York City on Central Park West into Greenwich, Connecticut, legal advice was supplied to the husband-respondent that the

property, successfully bid at $185,000 by the petitioner, should be closed solely in his name, pending marital agreement.

2. Attorney-respondent Jonathan Carlisle, responded to the petitioner's telephoned plea for assistance prior to the June 15, 1976, as follows: "I have to tell you that anything you say may be held against you," placing the proceedings in proper adversarial and criminal context and himself in violation of 42 U.S. 1986.

3. A seventeen-year-old son of the husband-respondent by a former marriage, who had joined the household in February of 1976, was, in March of 1976, threatened with dismissal from Greenwich High School for lack of attendance and disruptive behavior.

4. The academic officials of Greenwich High School recommended group counselling sessions being conducted on the premises by social-worker respondent Charles E. McCarroll, employed by the Department of Pupil Personnel Services of the Town of Greenwich.

5. Court testimony transcripted from June 15, 1976, revealed that the report that the petitioner was "paranoid and neurotic" was generated in his office on the premises of Greenwich High School by the seventeen-year-old boy andtthe husband-respondent.

6. The petitioner's daughter, who graduated from Greenwich High School in January of 1978 as a National Honor Society student, was summoned from class

to attend one such conference sometime in April of 1976.

7. Social-worker respondent Charles E. McCarroll testified that the daughter seemed "defensive" in not concurring with the rapidly forming opinion of her mother.

8. Social-worker respondent McCarroll recommended counselling with psychiatrist-respondent Peritz Levinson.

9. The husband-respondent arranged for such a counselling session on May 1, 1976; informed the petitioner on April 30, 1976, that he had done so; cancelled her prior appointment with a literary agent; and insisted that she attend.

10. The petitioner, unaware of the content of the counselling sessions being conducted on the premises of Greenwich High School, agreed to do so upon the condition that the husband-respondent would thereafter tend to the needs of his son, badly in need of supervision.

11. The petitioner was verbally assaulted by psychiatrist-respondent Peritz Levinson during a 30-minute session, the length of which was attested to by him in the State court on June 15, 1976.

12. Sometime after May 1, 1976, the petitioner was diagnosed "unquestionably paranoid" in conferences held with the husband-respondent and the psychiatrist-respondent Levinson and by information supplied by Greenwich High School authority that the husband-respondent was a "reliable informant."

13. The psychiatrist-respondent testified that "defensiveness" referred to in 7 supra was often "associated with abnormal

conditions."

14. Social-worker respondent McCarroll testified that the seventeen-year-old was a "very fine boy," while he characterized the petitioner's daughter as having "problems."

15. The petitioner asked the husband-respondent to leave the home upon learning from her daughter that she was "about to be institutionalized."

16. The husband-respondent informed the petitioner that he had the psychiatric authority to have her picked up and institutionalized without benefit of court procedures.

17. The husband-respondent deliberately maligned a young woman he had attempted to seduce with gifts and promises, and who lived in the house as a mother's helper, by reporting under oath that his son had contracted a "social disease" with her.

18. The husband-respondent testified that he had "witnessed the rifling" of the apartment of well-known journalist and author Gail Sheehy by the petitioner, who had free access to the apartment in her employment with Ms. Sheehy.

19. Perjury by the husband-respondent was suborned in the listing of Ms. Sheehy's name as "available to testify" without her authorization on the June 8, 1976, motion. (App.¥II-2).

20. The social-worker respondent McCarroll had addressed a handwritten

note to the petitioner's daughter, suggesting that she contact him via the seventeen-year-old boy, but denied in court testimony that he had intended to use the boy as a vehicle of communications.

21. The seventeen-year-old boy, living in the petitioner's home and described by social-worker respondent McCarroll inccourt testimony as having thrown rocks through the windows of the family home, was used to accamplish service of the show-cause motion and order of June 8, 1976,in telephone communication with the respondent-attorneys herein.

Allegations made by the petitioner in her federal complaint, reciting facts and circumstances that occurred subsequent to the June 15, 1976, hearing are:

22. The petitioner had not been awarded attorney's fees and was forced into remaining with counsel secured "on-the-run," who refused to re-enter court in her behalf.

23. Counsel secured by her in July of 1977nwas under written agreement to investigate what was specified as malpractice and civil rights claims against respondent Levinson and Greenwich High School.

24. Counsel referred to in 23, supra, informed the petitioner in September of 1977 that she had no such case (based upon advice he obtained from a New Canaan school psychologist.)

25. Once again without a retainer, the petitioner managed to secure one to defend against the husband-petitioner's motion to reduce his support obligations. 29

26. The court in memorandum decision of November 15, 1977, upheld the pendente lite relief awarded June 15, 1976, "as per plaintiff's affidavit."

27. The amount affirmed was higher by $130 per week than the amount paid by the husband-respondent and conformed with the argument raised by the petitioner with her first attorney, who denied it.

28. The petitioner filed a motion for contempt in the amount of $10,000 against the husband-respondent on December 2, 1977.

29. The court, which had scheduled final hearing before a State referee for January 10, 1978, summoned the case into hearing on December 7, 1977.

30. Upon financial consultation with attorneys in chambers, the State referee issued the recommendation that "all marital property be sold" and scheduled final hearing for the next day.

31. The petitioner, under moral and property duress argued in the State court but not yet decided upon, submitted to an agreement that: (1) waived her right to appeal; (2) authorized sale of joint property in Sparta, New Jersey, the proceeds from which were to accrue against a liability claimed by the husband-respondent in the amount of $30,000 in an unsecured loan; (3) stipulated vacation from her residence by April 1, 1978, under a joint custody and joint property stipulation; (4) permitted refinancing of the Greenwich property in an unstipulated amount or limit for the husband-respondent to clear his loan liability; (5) assigned debts listed in her financial affidavit, including attorney's fees accrued in self-defense, to her; (6) stipulated payment of $10,000 and a six-year term of alimony at $1,000 per month; (7) stipulated that her furniture, including a Steinway piano, could be left in the Greenwich residence "rent-free;" (8) left hospitalization and possible return of the residence and of child custodial support open for future adjudication upon showing of merit. 30

32. Judgment of separation was verbally enunciated based upon grounds of irretrievable breakdown. The husband-respondent's complaint was amended on January 18, 1978, by leave of the court, to withdraw grounds for intolerable cruelty.

FEDERAL DISTRICT COURT

On April 3, 1978, her rights terminated in the State court, the petitioner filed a complaint against the respondents for violations of her civil rights, seeking jurisdiction pursuant to 28 U.S. 1343(3)(4). The complaint pleaded facts and circumstances from motion of June 8, 1976, and court transcript of June 15, 1976, as evidence of conspiracy in violation of 42 U.S. 1983, citing C.G.S. 17-184 and federal criminal statutes also, to indicate civil relief was sought from

The Honorable Respondent Cotter, who, at the time of the complaint filing, was Chief Court Adminsstrator, responded with a motion to dismiss, or, in the alternative, a motion for summary judgment, citing Younger-Huffman principles of federalism, comity, equity, abstention, lack of subject-matter jurisdiction and failure to state a claim. The respondents grouped around his arguments. 31

The test for federal intervention laid down by Younger v. Harris, 401 U.S. 37 (1971) revolved upon great, immediate and irreparable injury elucidated in Dombrowski v. Pfister, 380 U.S. 479 (1965), which was relied upon by the Younger court as meaning when "threat to the plaintiff's federally protected rights (is) one that cannot be eliminated by his defense against a single criminal prosecution." Dombrowski at 46, citing Ex Parte Young, 209 U.S. 123, 145-47 (1908). Because the petitioner, pro se, had re-entered the State matter upon information supplied to her that something could be done and had filed a motion for review based upon duress, it seemedto the Honorable Respondent Cotter that the case was still pending in the State court as he argued in submitting the petitioner's motion in evidence.

When on June 30, 1978, a magistrate of the district court issued a ruling after hearing, the petitioner objected, proposing to amend the complaint to include the Town of Greenwich as a party, under the changed legal relations created by this Court ruling in Monell v. New York City Dept. of Social Services, as reported in 46 LW 4569:

> Municiaplities and other local government units are 'persons' that aan be sued directly under 42 U.S.C. 1983 for monetary, declaratory or injunctive relief where alleged unconstitutional action executes governmental policy or custom. 32

Other objections related to deficiencies in pro se pleading, e.g., failure to allege in legal language the "invidiously class-based discrimination" required by federal district court ruling proposed for entry on June 30, 1978, (App. IX). An obviously linguistic shortcoming, the pleading of the petitioner and the ruling by the court were, prior to entry, utilized for publicity supplied by the town attorney to the Greenwich Time. On July 5, 1978, the headline appeared that:

> U.S. court drops residents lawsuit against chief justice, social worker

Within the news article is the statement:

> Mr. Latimer also said that while the plaintiff wishes to amend her original complaint, "such amendment would be futile."
>
> "It is obvious that plaintiff depicts herself as having been singled out for abuse," he said.

The petitioner contends that the allegation that the victim has somehow deserved being "singled out for abuse" is common to the victim of discriminatory action and violence and that extrapolation of the phrase from court ruling (cited supra) was unconscionable when

coupled with information supplied to federal district court in subsequent reopening that respondent social-worker McCarroll is and has been on the payroll of the husband-respondent's corporation.

The July 5, 1978, newspaper article further states that:

> "The town of Greenwich had an interest in the case because Mr. McCarroll was listed as a defendant. The town's interest was handled by Assistant Town Attorney Janet L. Weinberg."

In her first reopening the petitioner charged fraud upon the court and violation of the public trust in the obviously conspiratorial implications of the town attorney representing the private employment of respondent McCarroll, who had been assumed to be "only a school employee" by court ruling of July 21, 1978.

After the October 1978 denial from the bench of the petitioner's Rule 60(b) motion to reopen, the duress of conspiracy in the State court intensified against her and minor child.

Evidence of bad faith and harassment in bringing a civil complaint would have permitted the federal court to intervene, despite a pending state action, especially when there is risk of "summary proceedings" for eviction through denial of the due process of law. "Summary process" was sufficient reason in New Haven Tenants' Representative Council, Inc., v. Housing Authority, 390 F. Supp. 831 (D.C. Conn. 1973) for the federal district court to

reserve jurisdiction over the case in order to provide relief should the plaintiffs be denied a full opportunity to litigate their claims in state court, Id. at 1269. In New Haven, the plaintifffs were unable to post the appeal bond required by state law. Id. at 1270-71. In the instant case, the petitioner has had to reduce herself to in forma pauperis in resisting an unjust and invalid agreement imposed upon her by duress argued from the record in State court.

RULE 60(b)

The petitioner strongly disagrees with the assertion of the district court in its Rule 60(b) memorandum decision of July 21, 1978, that a motion to reopen is no substitute for appeal. Rather, it should be stated that' appeal is no substitute for trial on the merits. The appellant's witnesses have never achieved a forum in a properly conducted trial setting in what is assuredly more than mere marital litigation.

Rule 60(b) allows an especially broad base for relief from judgment as addressed by the Second Circuit of New York in 1977, International Controls Corp. v. Vesco, 556 F. 2d 665, cert. denied 98 S. Ct. 780, 434 U.S. 1014, 54 L. Ed. 2d 758, when it is "appropriate to accomplish justice." The Second Circuit is support by a preponderance of cases favoring relief based upon changed circumstances, which

which are specifically related to "events which occurred subsequent to entrance of the order and which make it unfair to continue the order." Huk-A-Poo Sportswear, Inc. v. Little Lisa, Ltd., D.C.N.Y., 1977, 74F.R.D. 621. See also Steel Hill Development, Inc., v. Town of Sanbornton, D.C.N.H., 1974, 392 F. Supp. 1144, Hodgson v. United Mine Workers of America, 1972, 473 F. 2d 118, 153 U.S. App. D.C. 407.

The petitioner contends that the res judicata effect given to the July 21, 1978, federal district court decision on motions cannot and should not have served to prevent federal relief in civil-rights matters so flagrantly violative.

Most urgently, the petitioner asks this Court to review its own decision rendered by the Hon. Mr. Justice Black on May 15, 1944, which states:

> Furthermore, tampering with the administration of justice in the manner indisputably shown here involves far more than an injury to a single litigant. It is a wrong against the institutions in which fraud cannot complacently be tolerated consistently with the good order of society. Surely it cannot be that preservation of the integrity of the judicial process must always wait upon the diligence of the litigants. The public welfare demands that the agencies of public justice be not

> impotent that they must always be mute and helpless victims of deception and fraud. Hazel-Atlas Glass Co. v. Hartford-Empire, 64 S. Ct. 997 at 1001.

CLASS IMPLICATIONS

The petitioner comprises a class with her daughter, who has been forced to discontinue her studies at Mt. Holyoke College, where she was an "A" student. The eighteen-year-old has been able to complete only one semester; and, in the absence of court settlement, the petitioner has been unable to assist her. She is now in the category of unskilled labor, and without a home since she refuses to take up residence in the home from which her mother was forcibly evicted.

The allegations contained in the show-cause motion and order of June 9, 1976, that the petitioner had declared herself and her daughter the "messiah" (App. VII-3) are sufficient to establish the category of victim. The abuse of process whereby the lower court withheld hearing or decision on motions for waiver, (of bond for appeal), for extensions of time (within which to appeal, for pendente lite relief, as well as motions for review, to vacate judgment, to vacate the custody order, on issues of substance, over a period of twelve months despite regular weekly appearances on the calendar was, however, neither deserved nor self-induced as often happens with the victims of injustice. So severe were the original allegations it seems that credibility went to the culprits.

The petitioner concludes with a renewal of the general objections raised to the entry of the federal district court judgment of July 21, 1978 (App. X), which, in addition to those argued supra on pages 31-33 included: (1) the requirement that the federal district court construe her complaint, which took the form of notice pleading, in as favorable a light as possible, as in Scheuer v. Rhodes, 416 U.S. 232, 236, 94 S. Ct. 1683, 40 L. Ed. 2d 90 (1974); (2) the impropriety of dismissal when motions are based on the failure to state a claim, Fine v. City of New York, 529 F. 2d 70 (1975) at 75; (3) the requirements of exigent adversity, extreme and unusual circumstances, ripeness because of threatened and immdiate harm and service to the public interest arguable in favor of the petitioner as in St. Martin's Press, Inc., v. Carey, 440 F. Supp. 1196; and Tracy v. Salamack P.A.B., Inc. v. Stack, 440 F. Supp. 937.

The threatened harm sought to be averted by injunctive and declaratory relief from the federal district court has been accomplished by the dismissal by the Honorable Chief Justice of the Connecticut Supreme Court on March 20, 1979, of the petitioner's claims to have been violated by conspiracy-to-commit prohibited by C.G.S. 17-184. By the same stroke, her constitutional claims under the Thirteenth Amendment, which were argued in the Superior Court before Judge Novacks, were dismissed despite immanent threat.

Behind the federal district court's denial of the petitioner's most recent

Rule 60(b) motion to reopen lies a motion to amend to include the allegation that the State court, in the person of the Honorable Chief Justice, as represented in the March 20, 1979, denial by the Chief Court Clerk, has failed the test for comity. Grounds for this allegation are, however, even more extensive than appears on the face of the Supreme Court dismissal. Within the evidence that the petitioner submitted to the federal district court in support of her motion to reopen that was ruled upon by memorandum decision of April 5, 1979 (App. IX), is the incontrovertible fact that the lower State court entered judgment on February 23, 1979, by a series of computer manipulations, without corresponding documentation, and fourteen months after the purported judgment was "verbally enunciated."

Computer notation 153.50 in the court record carries the legend, "Refer to Referee." Yet, documentation in support of the computer record and numbered 153.50 is a court "Motion to Transfer" written on yellow-lined paper. The purported transfer was to J. Nigro in Bridgeport, without specificity as to issues (such as the petitioner's motion to vacate the custody order, unheard and undecided upon) and without notification to the petitioner. Subsequent to the 153.50 notation is entry 156.00, which reads: "Refer to Referee, Judgment." No documentation whatsoever accompanies 156.00. When questioned by the petitioner in the presence of witness, the chief clerk of the Stamford court responded that it was the "only way" that "it" could be handled. Appraised of the fact that the petitioner's "Motion to Transfer", genesis of this petition, was printed on the calendar for March 9, 1979, the clerk responded

that the petitioner's case did not belong on the calendar. Following upon the lower court's denial of the petitioner's "Motion to Transfer" on March 9, 1979, along with motions for stay and for disclosure, the husband-respondent's "Motion for Possession" appeared, was haard and argued before Judge Novacks on Thirteenth Amendment grounds asserted by the petitioner, and granted to the husband-respondent.

It cannot be said that such procedures deserve comity; and, if it is held by the federal district court that such circumstances are not unusual enough to warrant relief, as it has been in repeated reopening denials, the petitioner herein pleads for a court of original jurisdiction, wherein law and order can be implemented in behalf of the victim of what seems to have become court rigor mortis. For example, the April 26, 1979, show-cause hearing held post-eviction by Judge Tedesco resulted in a court directive that the petitioner summarize the facts and list the motions unheard by the court. On April 30, 1979, she did so in a new "Motion for Review." That motion heard and undecided, the petitioner submitted a new "Motion to Vacate Judgment," appropriate to her claims for lack of subject-matter jurisdiction caused by violation of C.G.S. 51-338 (See p. 8), financial fraud, conspiracy-to-commit, duress, and other constitutional issues unresolved.

If the petitioner wonders whether a decision will be forthcoming, she is not without grounds. It is a matter of record that Judge Tedesco heard the petitioner's original motions for review and to vacate judgment from April and May of 1978 in February of 1979 and refused decision. The petitioner's hope that he will make one now is mingled with doubt that the lower court can or will free itself from the taint of conspiracy with which this case originated.

Is it not the province of the Supreme Court of the United States to see to it that lower courts are not used to injure and harass in violation of the constitutional principles upon which this nation has been founded?

For all of the foregoing reasons, original jurisdiction should be noted and the major and extraordinary writ of habeas corpus for which the petitioner pleads should be granted.

In the event, however, that the court does not conclude that the petitioner's situation, extreme as it is and exhaustive of legal means, within an unjust and extremely harsh and cruel reduction in circumstances, is undeserving of habeas corpus, probable jurisdiction for appeal pursuant to Title 28, United States Code, Section 1257(2), should be noted.

Respectfully submitted,

MAUREEN KELLY LECHT
Pro Se Petitioner
P.O. Box 4154
Greenwich, Ct.
06830

June 18, 1979

NO. 29167 (Stam. #) SUPREME COURT
STATE OF CONNECTICUT
Charles P. Lecht March 20, 1979

vs.

Maureen K. Lecht

O R D E R

The defendant's Application under Section 52-265a having been presented to the court

it is hereby

ORDERED dismissed.

By the Court,
(Signed)
Thomas H. Abraham

CHIEF CLERK OF
SUPREME COURT

Notice

Maureen K. Lecht
Bruce Cohen
John J.P. Ryan
3-20-79

IN THE SUPREME COURT
STATE OF CONNECTICUT

CHARLES P. LECHT (Docket No. 029167 6
(at the
vs. (
MAUREEN K. LECHT (SUPERIOR COURT
(DISTRICT OF FAIRFIELD
(March 14, 1979

TO THE HONORABLE CHIEF JUSTICE:

The defendant-wife in the above matter prays relief pursuant to P.A. 76-436, Section 140 (formerly Sec. 52-265a of the general statutes), respectfully representing as foolows:

1. She andher children were victimized by a conspiracy-to-commit entered against her in the Superior Court at Stamford by plaintiff's show-cause and injunctive motion of June 8, 1976, said conspiracy having caused her and her children grief, anguish and injury throughout the entire period of marital litigation. Said conspiracy was in specific violation of C.G.S. 17-184 and was deliberately engaged in by her husband, his attorneys, and professional witnesses from Greenwich High School, at least one of whom is known to be in her husband's employ. The sudden strike against her occurred when neither she nor her husband had been residents of Connecticut for more than five months. It has left her severely disadvantaged, inadequately and unequally represented, financially penalized, without alimony or child

support, deprived of custody and visitation of her fourteen-year-old son, who was twelve at the time of the family move, and currently threatened as to residence held in her husband's name only and for which she has never been assigned any rights, either property or residential. Her situation is and has been in violation of the Thirteenth Amendment, Section 6, of the United States Constitution and of Article V of the Constitution of the State of Connecticut.

2. On March 9, 1979, the defendant-wife, pursuant to many efforts she has made to extricate herself and her children from serious abuses, succeeded in have a Motion to Transfer placed on the calendar, which motion invoked the power of C.G.S. 51-331 to enable the trial judge to transfer criminal charges against C.G.S. 17-184 to the criminal docket, asking that a probable-cause hearing be held. The Hon. Robert L. Levister, Presiding Judge, heard and denied the Motion, causing the defendant-wife herein to appeal directly to the Supreme Court of the State of Connecticut, asserting that the matter is one of substantial interest in which delay may work a substantial injustice.

3. Cause for appeal is manifold: (a) C.G.S. 51-331, newly passed as of July 1, 1978, would, as argued before many judges of the Superior Court, provide access for battered wives to hearing within the Family Relations Session that is backed up by threat of criminal prosecution, thereby potentially reducing violent behavior. The Connecticut Commission on the Status of Women has devised special legislation

addressed to problems of domestic violence but has as yet been unsuccessful in bringing it out of committee. Implementation of C.G.S. 51-331 would reduce the terrible pressure of violence felt by women in an increasingly more violent society, as the facts and circumstances, never tried or heard in this case are brought to light; (b) C.G.S. 17-184, a statute under which no case has been brought since persons accused of mental illness have little or no defense other than friends and family, is clearly at issue in the case of the defendant-wife herein, is readily seen to have been violated in transcript from June 15, 1976, and, because of Superior Court failure to even investigate, threatens the entire State process with jurisdictional invalidity stemming from criminal conspiracy; (c) Failure of the State to uphold its criminal laws is a charge being made in the press, respecting family relations, most recently by Hartford Legal Aid attorney, R. Arnaud, in the Martford Courant of March 2, 1979, whose article appeared under the title, "The State Helps Fathers to Evade Responsibility;" (d) the husband-plaintiff herein has a published income of over $100,000; yet, with the complicity of the Superior Court, he paid no alimony or child support since April of 1978 through the present time, nor has he maintained the residence, nor has the Suprerior Court assumed its proper jurisdiction throughout the marital litigation as enunciatedby this Supreme Court in LaBow v. LaBow, 171 C 433 August, 1976.

WHEREFORE, the defendant-wife prays relief from the Supreme Court of the State of Connecticut from the denial by the

Hon. Robert L. Levister of her Motion to Transfer, which denial was entered without Memorandum of Decision on March 9, 1979, and such other just and equitable relief as can be afforded including:

1. Stay of order entered by the Hon. Martin L. Nigro on January 11, 1979, for the defendant-wife to vacate the marital residence pending investigation of her just and equitable claims;

2. Vacation of the custody order entered by Judge Nigro on January 11, 1979, transferring custody of her minor son, Jonathan Lecht, to defendant Lecht, on residential grounds and in denial of the defendant's Fourth Amendment right to petition her government for redress of grievances.

THE DEFENDANT, PRO SE

Maureen Kelly Lecht
P.O. Box 4154
Greenwich, Ct. 06830

(Certified
service to
opposing attorney
Bruce Cohen)

No. 029167 FA 6 (SUPERIOR COURT
(
CHARLES P. LECHT (JUDICIAL DISTRICT
(OF FAIRFIELD
vs. (AT STAMFORD
(
MAUREEN KELLY LECHT (April 20, 1979

ORDER

Upon the foregoing motion (not herein included) of the defendant praying that the plaintiff be ordered to show cause and such other relief as appears, it is

ORDERED, that the plaintiff, CHARLES P. LECHT, be cited to appear at the Courthouse at Stamford on the 26th day of April 1979 at 2 p.m., then and there to show cause, if any he has, why he should not be ordered to cease and desist in attempts to have her removed from residence pending judgment of a Court of competent jurisdiction over the subject-matter of marital separation and/or dissolution;

ORDERED, that notice of said motion and of this order be given to said CHARLES P. LECHT by a proper officer by leaving it with him at his usual place of abode and with his attorney, Bruce Cohen, Esq., at 49 W. Putnam Avenue in Greenwich a true and attested copy of the motion and of this order on or before the 20th day of April 1979.

(SIGNED BY SAMUEL J. TEDESCO, Judge, AND DULY ATTESTED AND SERVED BY SHERIFF)

Certification

No. 002 91 67 S FA 76 STATE OF CONNECTICUT

Lecht ..... Fairfield County

ss. Superior Court

vs.

Lecht .....

I, John J. P. Ryan, Clerk of Superior Court, Fairfield County at Stamford, hereby certify that the within and foregoing is a true copy of the original

MOTION FOR ORDER TO SHOW CAUSE in said cause, as on file and of record appears.

(Court Seal)

John J. P. Ryan

..... ,

Clerk

In witness whereof, I have hereunto set my hand and the Seal of said Court at Stamford, in said County, this 20th day of April, 1979.

Service

STATE OF CONNECTICUT)
) ss. Norwalk, April
COUNTY OF FAIRFIELD)) 20, 1979

Then and there by virtue hereof of the original Motion for Order to Show Cause and Order to Show Cause, I made service upon the within named defendant, Charles P. Lecht by leaving a true and attested copy of the original Motion for Order to Show Cause and Order to Show Cause with my doings thereon endorsed at the usual place of abode of Charles P. Lecht, Stiles Lange, Greenwich, Connecticut, (address claimed by him for tax purposes).

And Afterwards in Greenwich on the 23rd day of April 1979, I made service upon Bruce Cohen, Esquire by leaving a true and attested copy of the original Motion for Order to Show Cause and Order to Show Cause, with my doings thereon endorsed with and in thehands of Bruce Cohen, Esquire

The within and foregoing is the original Motion for an Order to Show Cause and Order to Show Cause with my doings thereon endorsed.

ATTEST:

Francis J. O'Hara,
Deputy Sheriff for
Fairfield County.

APPENDIX III

Notification

April 17, 1979
.....

This is to notify you that the Court has granted Motion for Writ of Possession.

Signed,

(unintelligible)
.....
Clerk

THE ABOVE NOTIFICATION WAS IN POSTCARD FORM AND IS USUAL ON MOTIONS.

NO SERVICE WAS MADE ON THIS "WRIT".

APPENDIX IV

No. 02 91 67	)	SUPERIOR COURT
CHARLES P. LECHT	)	JUDICIAL DISTRICT OF FAIRFIELD
VS.	)	AT STAMFORD
MAUREEN KELLY LECHT	(	April 17, 1979

TO THE SHERIFF OF THE COUNTY OF FAIRFIELD, HER DEPUTY OR ANY CONSTABLE OF THE TOWNOF GREENWICH WITHIN SAID COUNTY--GREETING:

WHEREAS, by order of this Court dated January 10, 1979, the defendant Maureen K. Lecht was ordered to vacate the premises owned by the parties on Stiles Road, Greenwich, Connecticut, on or before February 28th, 1979 and deliver possession of said premises to the plaintiff, as appears of record, wherefore execution remains to be done, no stay of execution is now in effect.

These are, therefore, by the authority of the State of Connecticut, to command you, without delay, to cause the said plaintiff to have possession of the premises aforesaid by putting the said defendant and all persons holding under said defendant out of possession thereof; and if said defendant has not removed her possessions and personal effects, then you may remove them and set themout on the adjacent sidewalk, street or highway; provided that prior to any such removal you shall give the Chief Executive Officer

of the Town twenty-four hours notice of the eviction, stating the date, time and location of such eviction as well as a general description, if known, of the types and amount of property to be removed from thepremises; provided further that prior to giving such notice to the Chief Executive Officer of the Town, you use reasonable efforts to locate and notify the defendant of the date and time such eviction is to take place.

Make service hereof and due return hereon with your doings thereon within sixty (60) days from the date hereof.

BY THE COURT

_____

Assistant Clerk/Judge

NO. 02 91 67	)	SUPERIOR COURT
CHARLES P. LECHT	)	JUDICIAL DISTRICT OF FAIRFIELD AT STAMFORD
vs.	)	
MAUREEN KELLY LECHT	)	JANUARY 10, 1979

MEMORANDUM OF DECISION
ON MOTION FOR EXCLUSIVE CUSTODY

The court is asked to determine the custody of Jonathan Lecht, age 14, a minor child of theparties. Presently, Jonathan resides with his mother, the defendant, at the family home on Stiles Road in Greenwich. He visits extensively with his father, the plaintiff, at the father's apartment in New York City.

The parents are in the midst of a complex and bitter dissolution proceeding which may not be resolved for some time. The dissolution action was begun in June of 1976, when there was a pre-return hearing on the plaintiff's motion for possession of the family home and custody of the children, including Jonathan, in which the emotional and mental stability of the defendant was put in issue. The court at that time concluded that no immediate action need be taken and ordered a custody study, which was never completed, apparently by mutual agreement of the parties.

On December 8, 1977, there was a hearing on the dissolution of the marriage, wherein

the complaint was amended to request relief by way of separation and an oral stipulation presented to the court, followed by testimony concerning irretrievable breakdown. This court perceives that a decree of separation incorporating the terms of the stipulation was verbally enunciated by the court on the hearing date. However, no judgment file has been signed to this date and the question of whether or not a judgment was entered is in dispute. The defendant has also undertaken to renounce the stipulation and has sought to set aside or review the stipulation by a variety of motions filed since that date.

The pertinent parts of the stipulation as far as the custody of the child, Jonathan was concerned provided: that theparties should have joint custody, but that Jonathan should reside with the plaintiff father at the marital home in Greenwich; that both parties should have an equal voice regarding educational and health matters; and that the defendant should have an opportunity at any time to have a review of the residence and custody determination.

Despite the stipulation or "judgement," the defendant has continued to reside at the marital home in Greenwich with the child, Jonathan.

In June, 1978, pursuantto a motion filed by the plaintiff, a custody study by the Domestic Relations Office was ordered.

That study having been submitted, the present hearing was held at which the court received the report of the Domestic Relations Officer, James Murphy, who was examined on his report by the parties and the court. In addition, the court heard testimony from the plaintiff; from Mrs. Joan King, the principal of Western Junior High School in Greenwich, where Jonathan is an eighth grade student; from the defendant; from thedefendant's father; and, from the defendant's sister. A substantial number of documents, principally concerning Jonathan's school situation and circumstances, pertaining to his absences, were submitted in evidence. The court also had a private chamber interview with Jonathan.

Both parties seem to feel that it would be in Jonathan's best interest that he continue to reside in Greenwich and continue his school in the Greenwich public school system. He came to Greenwich from a background of several specialized private schools and private tutoring. His initial school in Greenwich was Parkway Elementary School, where he repeated the sixth grade to provide a firmer base for his move into Junior High School.

(The paragraph omitted here is prejudicial to Jonathan, unsubstantiated, and ignorant of the relationship between I.Q. scores and achievement.)

In late May 1978, the defendant withdrew Jonathan from school for the final three weeks of the school year. Jonathan did return to take his final examinations and waspromoted to the eighth grade for the present school year.

While the defendant indicated in her testimony that the withdrawal was because of a concern for his physical safety resulting from threats andharassment by fellow students, correspondence submitted in evidence also indicates that it was done, in part, because of the defendant's intention to begin suit for conspiracy against the Town of Greenwich, the Board of Education, and its Director of Pupil Personnel Services. (Plaintiff's Exhibits C and D).

It is apparent from the testimony that one of the jousting sites between theparties has been the school itself. The defendant has had frequent conferences with the principal and other school officials about Jonathan's educational and other problems, but has often brought into the discussions the various litigations in which she is involved. The plaintiff, complaining that communication with Jonathan has been foreclosed has been using the school as aplace to meet with and call by phone to his son.

Assuming in this context that the parties are correct in that Jonathan should continue both to reside in the family home

in Greenwich and to stay in Western Junior High School, then who should be the resident custodial parent?

It is clear to the court that the defendant is a loving and concerned parent. The plaintiff, while more reserved, obviously loves and shows concern for his son. The boy manifested to the Domestic Relations Officer a reluctance to choose between his parents, and the court, in its interview with the boy, did not present him with the necessity of making that choice. The boy did, however, indicate apreference to remain in Greenwich and continue his schooling there.

It is also manifest that the defendant has been under considerable economic stress in maintaining a home for Jonathan, for while the plaintiff has been providingfor the maintenance of tax payments, mortgage payments and utility payments on the marital home, he has recently made no direct payments to the defendant for her maintenance and support.

The Domestic Relations Officer has recommended that Jonathan be placed in the custody of the plaintiff-father in the home in Greenwich, but that the situation be reviewed on a semiannual basis.

The court concurs that for Jonathan's immediate future, the recommendation of the Domestic Relations Officer should be adopted. While both parents are not to be described as

conventional, yet both, in different ways, have strengths and assets that would be beneficial to Jonathan, if he or she were the immediate custodial parent . The boy, however, deserves some degree of insulation from the present dispute between his parents and some degree of stability and tranquility during these difficult adolescent years.

The court is mindful that Jonathan's present difficultiesin school have occurred while he has been resident with and primarily in the custody of the defendant. The court does not believe that the defendant is able, at present, to insulate him from the various litigations between the parties. The defendant, in the opinion of this court, has become involved inthe process of these various suits so that they have become thefocal point of her life. She appears to have made no effort, despite her education and patent abilities, to have sought employment. She has allowed her concern with her rights as a litigant to intrude on her son's education to the point of withdrawing him from school.

Without making any judgment on the validity of her various suits and threatened suits, or on the righteousness of her indignation at the allegations made against her at the institution of the dissolution action, the court is of the opinion that she has allowed her concern with these matters to become so all-consuming as to adversely affect her immediate ability to provide an appropriate custodial setting for the boy.

The plaintiff, on the other hand, seems to be able to insulate the child from these disputes. He has presented a program of custodial supervision which would enable him

to spend adequate time with his son in the home setting, despite his business commitments. There are areas of common interest which he has with his son in the field of mathematics, sports and mechanics.

While the court is not convinced by any means that the defendant, under less abnormal circumstances, would not be the more appropriate custodial parent, yet until some degree of resolution has been achieved between these parties and until the defendant has resolved the other suits which she had commenced or contemplates commencing, there can only be an adverse impact on Jonathan's situation.

Unless and until the contrary is shown, it seems the better course that the plaintiff assume the position of principal custodial parent.

The plaintiff isprepared to reside with Jonathan at the marital residence. It will be necessary that the defendant vacate the premises, but she should be allowed a reasonable time to make such move and that period should be no later than February 28, 1979, subjectto modification by the court.

Jonathan should continue to live at the Greenwich residence, should continue to attend school at Western Junior High School and neither party shall do anything to interfere with or prevent his school attendance.

This necessarily will require that he reside at that residence with the defendant until she can vacate the premises, even though the principal custodial parent shall be the plaintiff. He may reside with the plaintiff on week-ends during this period.

While Jonathan is residing at the Greenwich residence with the defendant, the plaintiff is directed to pay to the defendant the sumof $100.00 per week as child support, commencing with the first week of January, 1979.

The parties are directed to do whatever is necessary to effect this order under the supervision of the Domestic Relations Officer.

Therefore, it is ordered as follows:

Custody of the minor child, Jonathan, is awarded to the plaintiff with rights of reasonable visitation in the defendant. Custodial locus shall be at the marital residence on Stiles Road in Greenwich, and defendant shall vacate the premises on or before February 28, 1979, subject to modification of this date by the court. Until the defendant shall vacate the premises, Jonathan may reside with her at the marital home, although principal custody shall remain in the plaintiff. During this period of temporary residence, the plaintiff shall pay to the defendant the sumof $100.00 a week as child support, beginning the first week of January, 1979. The parties

are directed to do whatever is necessary to effect this order under the supervision of the Domestic Relations Officer of this court, and particularly, each is directed not to prevent or interfere with Jonathan's continued school attendance at Western Junior High School. This order is to be reviewed semiannually.

Further, the exhibits filed in this case, and all copies of the custody study, are ordered to be sealed and opened only upon Order of the Court.

NIGRO, J.

Decision entered in accordance with the foregoing dated this 11th day of January, 1979.

Richard J. Pober

THE COURT: It is ordered that each of the parties cooperate with and submit to a complete psychiatric evaluation by Dr. Roosen, or, if he be unavailable or unwilling, Dr. MacKover. The cost to be borne by Mr. Lecht. Each of the children is to be made available in the psychiatrist' judgment as to how deep, if at all, he wants to go into the examination of the children. But I would wish that he would talk to the children, including the son who is down in New Jersey, so we'll have a complete psychiatric workup. All are ordered to cooperate with Mr. Murphy's office, and if you wish, all your witnesses here will be put on the list and interviewed by Mr. Murphy's office. I will be here until the 4th of July. The court will keep supervision, if something blows up and you need further orders of anobjective person.

ORDER ENTERED IN THE SUPERIOR COURT AT STAMFORD, JUDICIAL DISTRICT OF FAIRFIELD, ON JUNE 15, 1976

RET. 3RD TUES. JUNE, 1976

CHARLES PHILIP LECHT	) SUPERIOR COURT
VS.	) COUNTY OF FAIRFIELD
MAUREEN KELLY LECHT	) AT STAMFORD
	) June 8, 1976

MOTION FOR ORDER TO SHOW CAUSE WHY DEFENDANT SHOULD NOT BE ORDERED TO VACATE THE PREMISES AND FOR OTHER RELIEF

TO THE SUPERIOR COURT IN AND FOR THE COUNTY OF FAIRFIELD:

Plaintiff in the above entitled action respectfully represents as follows:

1. This action was commenced by writ, summons and complaint dated May 18, 1976, wherein the plaintiff claims dissolution and custody of the minor children.

2. This order to show cause is necessitated by defendant's persistent cruel, violent and irrational behavior, including physical violence and repeated irrational acts directed toward the plaintiff, the parties' children and third parties.

3. At the urging of the plaintiff, and upon the recommendation of a Greenwich High School social worker, the defendant visited Dr. Peritz Levinson, a psychiatrist, who advised plaintiff that the defendant was suffering from paranoia and was unquestionably suffering from a mental condition which

would require, if not hospitalization, extensive psychiatric treatment and possible medication. Some or all of the following persons are available to testify with respect to the conduct which shall hereinafter be set forth demonstrating the immediate need to have the defendant vacate the home and to have temporary custody granted to the plaintiff:

Mr. Charles McCarrol - Greenwich High School Social Worker
Dr. Peritz Levinson - Psychiatrist, Greenwich, Conn.
Mrs. Kate Fishman
Mrs. Gail Sheehy
Mr. Robert Forest

4. The defendant has committed repeated acts of physical violence directed toward the plaintiff, including throwing objects, using highly profane and abusive language.

5. At a "Seder" on April 15, 1976, Mrs. Lecht was highly disruptive during the religious portion of the "Seder" causing everyone to ask her why she was behaving in such a way. She accused everyone at the dinner table of being "out to get her." After being quieted down, she proclaimed she was a "genius" and that she bore a heavy responsbilityto humanity for having this gift. Other irrational conduct continued during that evening, resulting in an unfortunate physical interchange

between Mrs. Lecht and one of the guests.

6. On Easter Sunday, Mrs. Lecht awoke and proclaimed herself the Messiah. She proclaimed that her daughter, Margaret, was also the Messiah and both had privileged communication with the other world.

7. On Friday, April 30, 1976, the plaintiff called Greenwich High School to see if he could arrange a meeting with the social worker because of developing anxiety about his son, Eric. Mr. Charles McCarrol, who had been working with Eric, was most cooperative and it was suggested that Mrs. Lecht was provoking Eric in an irrational way which indicated to him that she might be "ill." A session with Dr. Peritz Levinson of Greenwich was suggested.

8. After certain protests, on May 1, 1976, Mrs. Lecht did attend the office of Dr. Levinson and spent over an hour with him. Mr. Lecht also spent a period of time with Dr. Levinson.

9. On May 3, 1976, Dr. Levinson advised Mr. Lecht that Mrs. Lecht was indeed suffering from a severe mental condition requiring treatment.

10. Between May 4th and May 29th, 1976, Mrs. Lecht continued her harassment of Mr. Lecht and the son, Eric, using constant profane language and unrelenting long dissertations as to why she had secret information from mystical sources. She wrote a letter telling Mr. Lecht that she had complete

knowledge of the cosmos.

11. The son,Eric, was so harassed by Mrs. Lecht that he entered group therapy sessions at Greenwich High School under the guidance of Mr. McCarrol.

12. While the plaintiff was on a business trip, Mrs. Lecht threw the son, Eric, out of the house. Eric had to live in a garage for about six days, entering the house, without Mrs. Lecht's knowledge, to utilize the bathroom and to obtain food.

13. On the return of Mr. Lecht from a business trip, the son was still refused entry into the home and Mr. Lecht took him to their vacation home in New Jersey. He returned to Greenwich to find Mrs. Lecht had removed all the fine arts, other artifacts, stereo, TV, typewriter and numerous other items of value from the home. Mrs. Lecht has protested thatshe knows nothing of the missing items, although she has stated, "you will never find out where they are."

14. The home of theparties was purchased for approximately $185,000 and Mrs. Lecht has not maintained the house, allowing screens to be torn,unhealthy conditions and generally to fall into a state of disrepair.

15. The defendant has gone three to four weeks without making her bed, changing the linen, purchasing adequate foodstuffs, etc.

16. At the moment, a girl named Maureen is living in the house and another girl, Leslie, occasionally comes into the house.

These are friends of the daughter, Margaret. The occupancy of the home by these strangers is without the approval of Mr. Lecht who has been told he has no say in the matter.

The plaintiff represents that the current situation needs prompts and immediate judicial supervision and, therefore, the plaintiff requests the following:

1. That the court order an immediate custody study to determinethe best interest of all the children, and that during the pendency of the study, Mrs. Lecht vacate the home and temporary custody be granted to the plaintiff.

2. That the court determine the financial obligations of the plaintiff during thependency of this action so as to prevent constant and uncontrolled expenditures by the defendant.

3. That the court consider the possibility of ordering a psychiatric examination of defendant or take whatever steps it feels necessary to promote a prompt and fair resolution.

PLAINTIFF

MAGILL, BADGER,
FISHER, COHEN &
BARNETT
His Attorneys

By_____
Miles F. McDonald,Jr.
P.O. Box 1189
Greenwich, Ct.

ORDER

Upon the foregoing motion of plaintiff praying that defendant be ordered to vacate the premises andsuch other relief as appears on file, it is

ORDERED, that defendant, MAUREEN KELLY LECHT, be cited to appear at the Courthouse at Stamford on the 15th day of June 1976 at 10 A.M., then and there to show cause, if any she has, why she should not be ordered to vacate the premises and to comply with such other orders of the court as may be equitable, and why the prayers of said petition should not be granted; and it is furhter

CRDERED, that notice of said motion and of this order be given to said MAUREEN KEILY LECHT by a proper officer by leaving with her or at her usual place of abode in Greenwich a true and attested copy of the motion and of this order on or before the 12th day of June, 1976.

BY THE COURT

(T. Clark Hull)

Jddge

UNITED STATES DISTRICT COURT

DISTRICT OF CONNECTICUT

MAUREEN KELLY LECHT	(	CIVIL ACTION NO. B-78-134
VS.	(	
LEVINSON ET AL	(	MOTION TO REOPEN PURSUANT TO RULE 60(b) F.R.C.P.
	(	

Notation entered by the court on this motion, May 11, 1979:

"Having reviewed the documents submitted by the plaintiff in support of the instant Motion and in view of all of the prior proceedings in this case, including this Court's decisions on earlier motions to reopen, the Court has determined that this motionshould be, and hereby is DENIED.

T. Gilroy Daly,
U.S.D.J.

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

MAUREEN KEILY LECHT :
Plaintiff :
:
-v- : Civil No. B-78-134
DR. PERITZ LEVINSON :
ET AL :
Defendants :
:

RULING ON PLAINTIFF'S MOTION
TO REOPEN

This is a pro se civil rights action arising from a domestic relations situation which is the subject of still-pending Connecticut state court proceedings. This is the second time plaintiff has moved to reopen the judgment dismissing her complaint.

Plaintiff instituted this action in April, 1978. In a decision dated June 29, 1978, Magistrate Latimer granted defendant's motions to dismiss. On July 21 over plaintiff's objection, this Court approved the Magistrate's ruling. Plaintiff did not appeal that decision. On August 25, 1978, plaintiff filed a motion to reopen pursuant to Rule 60(b) of the Federal Rules of Civil Procedure. On October 5, 1978, that motion was denied from the bench by this Court after oral argument. Plaintiff did not appeal that decision. Plaintiff now has filed a second motion to reopen, againsciting Rule 60(b).

As plaintiff is proceeding pro se, the Court is bound to afford her pleadings liberal construction. Haines v. Kerner, 404 U.S. 519 (1972). Even applying this relaxed standard, however, the Court finds that plaintiff has failed to satisfy any of the requirements of Rule 60 (b).

Plaintiff's allegations and arguments put forth in support of the instant motion do not raise issues relative to Rule 60(b)(1), (4), or (5). Plaintiff sets forth numerous allegations relative to incidents that purportedly occurred after the entry of judgment dismissing plaintiff's complaint, but such allegations, however well documented they may be do not constitute "newly discovered evidence" within the meaning of Rule 60(b)(2). "Rule 60 (b)(2), pertaining to newly discovered evidence,' permits reopening a judgment only on the discovery of evidence in existence and hidden at the time of the judgment . . . ." Ryan v. United States Lines Company, 303 F. 2d 430, 434 (2d Cir. 1962) (emphasis added by the court). The allegations do not indicate the presence of any fraud upon the federal court by an adverse party inthis proceeding prior to the entry of judgment dismissing plaintiff's complaint, as would be required to justify reopening under Rule 60(b)(3). See, e.g., Kupferman v. Consolidated Research and Manufacturing Corp., 459 F. 2d 1072 (2d Cir. 1972). The Court perceives no other reason justifying relief from the operation of the judgment under Rule 60(b)(6), especially because none of the allegations presented with the instant motion materially would alter the factors that precipitated Magistrate Latimer's June 1978 decision

later approved by this Court. A motion to reopen cannot be used as a substitute for appeal.

In accordance with the above, plaintiff's motionto reopen is denied.

Plaintiff also has moved both for a restraining order andto amend process. In view of theruling on plaintiff's motion to reopen, these motions are denied.

It is so Ordered.

Dated at Bridgeport, Connecticut this 5th day of April 1979.

T. F. GILROY DALY
United States District
Judge

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

MAUREEN KELLY IECHT Plaintiff	
VS.	CIVIL NO.
DR. PERITZ LEVINSON ET AL, Defendants	B-78-134

RULING ON DEFENDANTS' MOTICNS TO DISMISS

The instant purported civil rights action for damages and equitable relief arises from a bitter marital dispute which is the subject of still-pending Connecticut state court proceedings; plaintiff has requested in part that this federal Court act to take jurisdiction of the entire controversy, entering incidental orders for support and to maintain the plaintiff in the family residence while also directing the state's chief court administrator not "to enforce orders and agreements issuing from(that) marital litigation." Named as defendant in his official capacity is Justice John P. Cotter, chief court administrator of the

Superior Court when this complaint was filed and now Chief Justice of the state supreme court. Other named defendants are plaintiff's husband, Charles P. Lecht, his attorneys, Jonathan Carlisle, Bruce Cohen and Miles McDonald, a psychiatrist, Dr. Peritz Levinson, and a public school social worker, Charles E. McCarroll. Claiming that the latter group of defendants have conspired against her, plaintiff stresses her husband's unsuccessful application shortly after the state suit's commencement two years ago to secure her ouster from the couple's home and a possible psychiatric examination, noting that defendants Levinson and McCarroll testified at that motion's hearing.

Dismissal as against all dfendants is patently impelled. To invoke federal court jurisdiction under the Civil Rights Act as to the supposed conspirators, plaintiff must point to misconduct under color of state authority, see, e.g., Schlein v. Milford Hospital, Inc., 561 F. 2d 427 (2 Cir. 1977), and has not done so, compare, e.g. Fine v. City of New York, 529 F. 2d 70, 74-75, (2 Cir. 1975). The only "official" of any sort among those defendants is Mr. McCarroll, employed by a local school system. Assuming that a link between such a public employee and the others would support a federal claim against any or all of those private citizens under 42 U.S.C. 1983, cf. Adickes v. Kress & Co. 398 U.S. 144, 152 (1970), a rather strained theory of liability at best when the official is but a school staff member acting as a witness in court

proceedings, the conclusory allegations of conspiracy in this respect are obviously insufficient on the complaint's face, see, e.g., Ostrer v. Aronwald, 567 F. 2d 551, 553 (2 Cir. 1977), given no substance by the state court motion hearing transcript furnished by plaintiff herself -- and it is clear instead that no tenable federal claim whatsoever has been advanced against defendant McCarroll. That being so, there is no basis for the exercise of this Court's limited jurisdiction over that group of defendants. Although plaintiff wishes now to amend her complaint by adding reference to 42 U.S.C. 1985, amendment would be futile; 1985 may extend to "private" conspiracy to deprive oneof federal rights, but only if there is "some racial, orperhaps otherwise class-based, invidiously discriminatory animus behind the conspirators' action," Griffin v. Breckenridge, 403 U.S. 88, 102 (1971), and it is evident that plaintiff depicts herself as having been singled out for abuse.

Defendant Cotter is of course immune from suit for damages, see Stump v. Sparkman, ____ U.S. ____, 46 U.S.L.W. 4253 (March 28, 1978), Pierson v. Ray, 385 U.S. 547 (1967), and as noted above is apparently named as a defendant solely for the purpose of implementing equitable relief. Apart from the fact that the Chief Justice no longer occupies the particular administrative post which prompted his inclusion in the case through seemingly mistaken assumption concerning the position's supervisory powers, the federal Court must simply decline consideration of any in-

terference with the state tribunal as requested. As recently observed by Judge Brieant, "the area of domestic relations, "Merrick v. Merrick, 441 F. Supp. 143, 147 (S.D.N.Y. 1977) is certainly one in which the state has an interest of "sufficiently great import," Juidice v. Vail, 430 U.S. 3237, 335 (1977), to warrant abstention from any such intrusion -- especially here with the state proceedings still unresolved, and the Connecticut courts perfectly competent to afford any merited relief, indeed in far better position to interpret and apply the state law to any extent bearing on plaintiff's claims.

All defendants' pending motions to dismiss are accordingly hereby granted for the reasons indicated, with any intended pendent state law claims dismissed with the purported federal claims for lack of subject matter jurisdiction, see United Mineworkers v. Gibbs, 383 U.S. 715, 726 (1966).

Dated at New Haven, Connecticut, this 29th day of June 1978.

(Signed)

Arthur H. Latimer
United States Magistrate

(TOWN SEAL)

TOWN OF GREENWICH
CONNECTICUT

February 16, 1979

The hon. Martin L. Nigro
Superior Court
172 Golden Hill Street
Bridgeport, Ct. 06604

Dear Judge Nigro:

Re: Lecht v. Lecht,
Docket No. 029167 6

In your Memorandum of Decision in the above-entitled matter dated January 10, 1979, you awarded custody of the minor child to the plaintiff-father. You also stated that neither party should do anything to interfere with or prevent the minor child's attendance at school and further directed the parties to do whatever is necessary to effect this order under the supervision of the Domestic Relations Officer. (See page 9 and 10, Memorandum of Decision.)

Nevertheless, Personnel at Western Junior High School are being placed in the middle of this domestic dispute. The proper functioning of the school is being disrupted.

I have been informed that during the

past several weeks, particularly the week of February 5, 1979, the defendant, Maureen Lecht, has made repeated visits to the school. Although school personnel have appraised her of policies regarding consultations with teachers and administrators, and access to students and student records, she has avoidéd complying with these policies. Mrs. Lecht appears at school without an appointment, has failed to make her presence known to the administration and loiters about the hall and doorways during class sessions. Such behavior adversely affects not only the Lecht child, but also affects his classmates and the staff

Additionally, Mrs. Lecht continues to threaten to institute suit as stated in the attached letter dated January 26, 1979. While such action is certainly her prerogative, the threat combined with her failure to abide by school policies and procedures makes the situation even more difficult.

At the present time, I merely seek to alert the Court and the Domestic Relations Officer to these difficulties, If the problem is not resolved, further correspondence will raise specific questions which, we hope, will be addressed by the parties or the Court.

Sincerely,

JLW:mhk

Janet L. Weinberg
Assistant Town Attorney

cc: Mr. James Murphy, Domestic Relations officer; Mr. Willard Carter, Esq.; Mrs. Maureen Lecht; Mr. Bruce Cohen, Esq.

May 29, 1978

Mr. Otto Klump
Town Clerk
Town Hall
Greenwich, Ct. 06830

Dear Sir:

I hereby give you notice of my intention to institute civil suit against the Town of Greenwich, its Board of Education, and its Director of Pupil Personnel Services, charging willful and wanton negligence in suborning the use of the facilities of Greenwich High School for conspiratorial purposes. I shall seek damages for severe and lasting injury inflicted upon me and my minor children, Margaret, seventeen, and Jonathan, thirteen, as a result of willful, wanton and reckless disregard of our civil rights and privacy initiated by the official conduct of Charles P. McCarroll, employed as a social worker by Greenwich High School, participated in by Dr. Peritz Levinson, a member of the school's referral community for psychiatric counselling, and brought to Superior Court in Stamford by Magill, Badger, Fisher, Cohen & Barnett in behalf of and inthe name of my husband, Charles P. Lecht. The substance of my suit will derive from facts and circumstances described in Federal suit B-78-134 filed on April 3, 1978, at Bridgeport District Court, copy of

which is enclosed.

I intend to name the Town of Greenwich, the Board of Education and its Director of Pupil Personnel Services in civil suit on all counts for which a municipality can be held liable, expressly excluding the charges of conspiracy, perjury, libel and slander as they relate to Charles P. McCarroll's individual liability. However, regarding those actions undertaken by him in his official capacity and as a representative of Greenwich High School, I intend to complain that the appearance of Charles P. McCarroll as witness in adversary proceedings against me was the result of and in furtherance of conspiracy condoned and fostered by official school policy andthat the abuse of power and privilege exercised against me resulted in severe deprivation of mine and my children's civil rights, amounting to usurpation of those rights in favor of the establishment of psychiatric religion.

In connection with the foregoing, I hold and proclaim the right to public support for the peaceful and productive pursuit of my children's education by policies intended to be protective, not invasive of that and other civil rights afforded equally to all citizens regardless of race, creed, color or sex.

My daughter, Margaret, then sixteen, was well-established and advanced in her

educational pursuits, having transferred to Greenwich High School in her junior year from Hunter High School in New York, a school for the gifted. Nevertheless, despite her original plans to relax and enjoy the school environment, she undertook to accelerate and graduated in January of 1978 in an effort to escape the nasty effects of the conspiracy.

With regard to my son, Jonathan, then eleven, his educational and social well-being has been severely disrupted by taunting, harassment, and threats and abuse of his physical property and safety as a direct result of the conspiratorial alliance formed against me. Slander originating in the presence of Charles P. McCarroll and tacitly and overtly supported by him was extended into juvenile imitation of conspiracy. Damage done to Jonathan through and during the events of April through June of 1976 has continued unabated under the inflammatory influence of the conspiratorial allegation that I was "in need of hospitalization" and had declared myself and my daughter the "Female messiah."

Jonathan, now thirteen and enrolled at Western Junior High School, has been unable to overcome the malicious and severe effects of defendant McCarroll's wanton and willful misconduct in furtherance of conspiracy. Until such time as these effects have been mitigated by exposure, vindication and damages and his sensitive thirteenth year and seventh-

grade adjustment is recognized as having been severely upset by the case and controversy described herein, I am withdrawing Jonathan Lecht, under protest, and the the intention of holding the Town of Greenwich, its Board of Education, and its Director of Pupil Personnel Services responsible to the degree that official policies sanctioned malicious intervnetion in our lives and Town agency and agent/agents failed to exercise due and proper supervision, care, caution and restraint.

Very truly yours,

Maureen Kelly Lecht
Pro Se
661-4527
P.O. Box 4154
Greenwich, Ct. 06830

State of Connecticut)
County of Fairfield) ss. City of
) May 30, 1978

On this 30th day of May, 1978, Maureen Kelly Lecht satisfactorily proven to bethe person whose name is subscribed above, appeared before me and executed the instrument for the purposes contained herein. In witness whereof I set my hand.

(Signed and attested)

_____
Notary public

MAUREEN KELLY LECHT	(	CIVIL ACTION
	(	No. B-78-134
VS.	(	
	(	
LEVINSON ET AL	(	NOTICE OF APPEAL
	(	
	(	June 5, 1979

NOTICE OF APPEAL TO THE SUPREME COURT OF THE UNITED STATES

Notice is hereby given that Maureen Kelly Lecht, the appellant in the above-captioned matter, hereby appeals to the Supreme Court of the United States from the interlocutory judgment of the United States District Court at Bridgeport, Connecticut, denying the appellant's Motion to Reopen pursuant to Rule 60(b) entered in this case on May 11, 1979.

This appeal is taken pursuant to U.S.C. 2241 and on a theory of concurrent jurisdiction with the Supreme Court of the State of Connecticut under 28 U.S. 1343. Notification of appeal is hereby given to adverse parties within this suit in lieu of the last paragraph of the Notice of Appeal filed within the Supreme Court of the State of Connecticut on April 20, 1979, appended herewith.

The emergency writ is being sought in view of the extreme hardship inflicted upon the appellant by actions of conspiracy in violation of 42 U.S. 1981 et seq., causing her to be without residence, custody, marital agreement, alimony or judgment of separation or disolution and to have been illegally dispossessed from her home without due process of the equal protection of law.

THE PLAINTIFF, PRO SE

Maureen Kelly Lecht
P.O. Box 4154
Greenwich, Ct. 06830

APPENDIX XV

IN THE SUPREME COURT

STATE OF CONNECTICUT

CHARLES P. LECHT	(	No. 029167 FA 6
VS.	(	SUPERIOR COURT
MAUREEN KELLY LECHT	(	JUDICIAL DISTRICT OF FAIRFIELD
	(	AT STAMFORD
	(	April 20, 1979

NOTICE OF APPEAL

The defendant-wife in the above-cited action hereby serves notice of appeal to the Supreme Court of the State of Connecticut, its Chief Justice, its Chief Court Administrator, its Chief Court Clerk and adverse party-plaintiff in this matter. Appeal will be taken to the United States Supreme Court from dismissal on April 2, 1979, of her petition filed pursuant to C.G.S. 52-265a.

Authority for the jurisdiction of her appeal in the United States Supreme Court will be cited as 28 U.S.C. 2241 and filing will be in accordance with Rule 31 of the Rules of Appellate Procedure.

The defendant-wife will seek leave for consolidation of appeal from denial by the United States District Court of her Motion to Reopen in Civil Action No. B-78-134, which was filed under Rule 60 (b)(6) declared to be no substitutefor appeal. In seeking such consolidation, the defendant-wife herein will rely on the theory of concurrent jurisdiction

under 28 U.S. 1343 held to be presumptive of State powers and made appropriate in the instant matter by entry into court exhibit during December of 1978 by the Hon. Martin L. Nigro of correspondence by the defendant-wife to the Town of Greenwich, constituting notification to the municipality of intention to sue. Said correspondence was entered in the process of custody hearings and presumed to be evidence of the defendant-wife's over-degree of concern with her rights as a litigant.

Notification of adverse parties in Civil Action No. B-78=134, which is going on appeal to the Second Circuit Court of Appeals, will be accomplished when and if leave for consolidation is granted by the United States Supreme Court and leave to file for writ pursuant to Rule 31.

THE DEFENDANT, PRO SE

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